

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-124043-001 DT

11/02/2009

HON. SALLY S. DUNCAN

CLERK OF THE COURT  
M. Cabral  
Deputy

STATE OF ARIZONA

KRISTEN E HOFFMEYER

v.

ROBERT HERNANDEZ (001)

RODRICK S CARTER  
STEPHEN M JOHNSON

DOB: 06/04/1976

Booking No: P421502

CAPITAL CASE MANAGER  
CAPITAL LITIGATION STAFF  
ATTORNEY  
COURT ADMIN-CRIMINAL-CCC  
COURT FORENSIC SERVICES UNIT  
VICTIM SERVICES DIV-CA-CCC  
JULIO RAMIREZ  
2331 E OSBORN  
PHOENIX AZ 85016  
JOEL PARKER  
PO BOX 45410  
PHOENIX AZ 85064

ORDER FOR IQ TESTING AND COMPETENCY SCREENING

The State having filed a Notice of Intent to Seek the Death Penalty and Defense counsel having no objection to IQ Prescreen Testing;

IQ PRESCREEN:

IT IS HEREBY ORDERED appointing Dr. Julio Ramirez to test and determine the defendant's IQ pursuant to A.R.S. § 13-753(B). The expert shall test the defendant within 30

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days of the date of this order at the Maricopa County Jail. The defendant's attorney shall immediately contact the assigned judge upon notification of any change in the defendant's custody status or location so that arrangements for the evaluation may be changed if appropriate.

In making the IQ determination, the expert shall use current community, national and culturally accepted intelligence testing procedures and shall apply the standard error of measurement for the procedure(s) used.

Within 10 days of the testing, the evaluator shall prepare and submit to the Court under seal the original written report of the IQ determination. A copy of the report shall be sent only to the defendant's attorney. The original report will be reviewed by the Court pursuant to A.R.S. § 13-753(B) and appropriate orders will be entered. The report shall not be disclosed absent an order from the Court.

The psychologist shall evaluate the Defendant pursuant to this Order at the Maricopa County Jail and return a report to this Court by November 12, 2009.

COMPETENCY PRESCREEN:

Defense counsel having objected to a sanity evaluation,

IT IS HEREBY ORDERED appointing licensed psychologist Dr. Joel Parker to conduct a prescreening evaluation to determine if reasonable grounds exist to conduct another examination to determine the following:

- 1) Only the defendant's competency to stand trial.

This appointment will become effective 20 days after the date of this Order.

The psychologist shall evaluate the defendant pursuant to this Order at the Maricopa County Jail and return a report to this Court by November 12, 2009. The county attorney shall provide the psychologist with the police reports and other available information deemed necessary by the psychologist to evaluate the defendant. Correctional Health Services (CHS) shall promptly make its records available for review by the appointed psychologist.

The report shall be sealed by the Court and a copy shall be sent only to the defendant's attorney. A.R.S. §13-754(C). The Court will review the original report pursuant to A.R.S. §13-754(D) and appropriate orders will be entered. The report(s) shall not be disclosed absent an order from the Court.

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IT IS FURTHER ORDERED excluding the time needed to complete the IQ testing and Competency Screening and report(s). Rule 8.4(a), Arizona Rules of Criminal Procedure.

IT IS FURTHER ORDERED affirming the Capital Case Management Conference set on **November 16, 2009 at 8:30 a.m.** in this division.

CURRENT LAST DAY: 05/28/2010

/s/ Sally S. Duncan

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JUDICIAL OFFICER OF THE SUPERIOR COURT

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>